

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN L. SOUTHAM,

Plaintiff,

Case No. 2:16-cv-12529

Magistrate Judge Anthony P. Patti

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**OPINION AND ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION FOR REMAND PURSUANT TO SENTENCE
FOUR (DE 16), GRANTING IN PART AND DENYING IN PART
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (DE 21),
REVERSING THE DECISION OF THE COMMISSIONER OF SOCIAL
SECURITY and REMANDING THIS MATTER TO THE COMMISSIONER**

Currently before the Court is Plaintiff's motion for remand pursuant to Sentence Four (DE 16), the Commissioner's cross-motion for summary judgment (DE 21), Plaintiff's reply (DE 22), and the administrative record (DE 14).

The parties have consented to my authority. (DEs 8-9.) A hearing was held on August 4, 2017, at which Plaintiff's counsel (Lewis M. Seward) and Defendant's counsel (AUSA Rami M. Vanegas) appeared by telephone.

For the reasons stated on the record, all of which are hereby incorporated by this reference as though fully restated herein, the Court concludes that the ALJ unerringly applied the correct legal standards in reaching his decision as to the

treatment of the third-party function report but further concludes that the ALJ committed harmful error in evaluating the evidence from the incorrect onset date. Accordingly, Plaintiff's motion is **GRANTED IN PART** and **DENIED IN PART** (DE 16), Defendant's motion is **GRANTED IN PART** and **DENIED IN PART** (DE 21), the decision of the Commissioner of Social Security is **REVERSED IN PART**, and this matter is **REMANDED** to the Commissioner of Social Security for a new hearing, at which the ALJ shall: (1) use the correct onset date and evaluate the evidence in light of it; (2) re-evaluate Plaintiff's mental impairments at Step 2; (3) re-evaluate Plaintiff's mental impairments and restrictions at Step 4; (4) re-evaluate Plaintiff's credibility; (5) re-evaluate Plaintiff's residual functional capacity; and (6) adjust the hypotheticals and Step 5 analysis as necessary.

IT IS SO ORDERED.

Dated: August 4, 2017

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on August 4, 2017, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti